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EXAMINER	
SEREBOFF, NEAL	

ART UNIT	PAPER NUMBER
3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/680,505	SHIOBARA, TATSUYA	
	Examiner	Art Unit	
	NEAL R. SEREBOFF	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8-13,16 and 17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8-13,16 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/19/2008 has been entered.

Response to Amendment

2. Regarding the amendment dated 8/4/2008, the following has occurred: Claims 1, 8 – 13, 16 and 17 have been amended; Claims 6, 7, 14 and 15 were previously canceled. Claims 1-5, 8-13, 16 and 17 are pending.

Notice to Applicant

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

4. The amendment filed 8/19/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The claims were amended to include "generating observation sentences."

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1 – 5, 8 – 13, 16 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims include the new language, "generating observation sentence." The Specification, page 33, lines 3 – 10, describes the generated information as, "If the determination result is YES, the word and phrase associated in advance with the attribute and target particular region selected from the list are obtained, and the obtained word and phrase are appropriately arranged before and after the word and phrase corresponding to the observation terms displayed in the text window, thereby generating the text." Although "words and phrases" may create a sentence, it is not inherently so.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1 – 5, 8, 9, 16 and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims appear to be software per se with no included structure (see § MPEP 2106).

9. Claims 10 – 13 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876). The process steps in claims (10 – 13) are not tied to another statutory class nor do they execute a transformation. Thus, they are non-statutory.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. ***Claims 1-5, 8-13, 16 and 17*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al., U.S. Patent Number 6,047,259 in view of Oon, U.S. Patent Number 7,321,861.

12. As per claim 1, Campbell teaches a system for use in generating a diagnosis report, comprising:

- An observation term selection result obtaining unit obtaining a selection result from a plurality of observation terms about an observation term corresponding to an observation on an examination result (figure 5);
- A supplementary information result obtaining unit obtaining a selection result of supplementary information corresponding to the observation from a plural pieces of

supplementary information associated with the observation term relating to the selection result (figure 6);

- An observation text generation unit generating observation sentence representing the observation term relating to the selection result obtained by the observation term selection result obtaining unit and the supplementary information relating to the selection result obtained by the supplementary information result obtaining unit (figure 6 and column 15, lines 5 - 52);
- An observation display unit displaying the observation sentence (figure 1, monitor and screens found on figure 3 – 6);
- A treatment information input request notification unit transmitting a notification of a request to input treatment information about the treatment in response to the observation sentence when the observation sentence is displayed on said observation display unit (figure 10, recommended therapy and column 17, lines 46 – 67);
- A treatment information obtaining unit obtaining the treatment information input in response to the notification (column 17, lines 46 - 67 and column 18, lines 7 - 11);
- A storage unit storing observation information indicating the observation associated with the treatment information (column 3, lines 34 – 63); and
- Wherein the observation text generation unit generates the observation sentence that have been, in advance, associated with the supplementary information relating to the selection result obtained by the supplementary information result obtaining unit before and after the observation term relating to the selection result obtained by the observation term

selection result obtaining unit (column 13, line 66 through column 14, line 8 or column 18, line 61 though column 19, line 7 for various drop down boxes with lists).

Campbell does not explicitly teach the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase that have been, in advance, associated with the supplementary information relating to the selection result obtained by the supplementary information result obtaining unit before and after the observation term relating to the selection result obtained by the observation term selection result obtaining unit.

However, Oon teaches the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase (column 32, line 59 through column 32, line 39 where concatenation is the process of combining text).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature to Campbell. One of ordinary skill in the art at the time of the invention would have added this feature to Campbell

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
    - In addition, the Examiner notes other uses of concatenation within the medical/ diagnostic field as described within Bolling et al., U.S. Patent Number 4,967,368, Auer et al., U.S. Pre-Grant Publication 2002/ 0091548 and Soll et al., U.S. Pre-Grant Publication 2003/ 0055679.

13. As per claim 2, Campbell in view of Oon teaches the system of claim 1 as described above. Campbell further teaches the system wherein said observation information is formed by the observation terms relating to the selection result obtained by the observation term selection result obtaining unit and the supplementary information relating to the selection result about the supplementary information obtained by the supplementary information result obtaining unit (paragraph 212–216 where the diagnosis is generated).

14. As per claim 3, Campbell in view of Oon teaches the system of claim 1 as described above. Campbell further teaches the system comprising an observation term list display unit displaying a list of a plurality of observation terms (figure 6 where the plurality of terms are included within the temperature history and Figure 7 where there is a list of lesions).

15. As per claim 4, Campbell in view of Oon teaches the system of claim 1 as described above. Campbell further teaches the system comprising a supplementary information list display unit displaying a list of supplementary information associated with the observation term (figure 6 is supplemental to figure 5), wherein said supplementary information result obtaining unit can obtain a selection result from the list of the supplementary information (Figure 6 where the lists include kidneys, spleen, bladder, prostate and further column 15, lines 5 – 52 where different supplemental screens are possible).

16. As per claim 5, Campbell in view of Oon teaches the system of claim 4 as described above. Campbell further teaches the system wherein said supplementary information list display unit displays a list of the supplementary information based on the selection result of the observation term obtained by said observation term selection result obtaining unit (figure 6, where the screen shows information regarding the abdominal example from figure 5).

17. As per claim 8, Campbell in view of Oon teaches the system of claim 1 as described above. Campbell further teaches the system comprising an observation display format switch unit switching between a display of the observation sentence on said observation display unit and a display of a list of observation terms relating to the selection result obtained by the observation term selection result obtaining unit and supplementary information relating to the selection result obtained by the supplementary information result obtaining unit (column 15, lines 5 – 20 where the software triggers additional screens when required).

18. As per claim 9, Campbell teaches a system for use in generating a diagnosis report, comprising:

- An observation term selection result obtaining unit obtaining a selection result from a plurality of observation terms about an observation term corresponding to observation on an examination result (figure 5);
- A supplementary information result obtaining unit obtaining the selection result of supplementary information corresponding to the observation from plural pieces of supplementary information associated with the observation term relating to the selection result (figure 6);
- An observation text generation unit generating observation sentence representing the observation term relating to the selection result obtained by the observation term selection result obtaining unit and the supplementary information relating to the selection result obtained by the supplementary information result obtaining unit (figure 6 and column 15, lines 5 - 52);

- An observation information storage unit storing observation information (column 3, lines 34 – 63) which is formed by the observation term relating to the selection result obtained by the observation term selection result obtaining unit and the supplementary information relating to the selection result obtained by the supplementary information result obtaining unit, and indicates the observation (Column 8, lines 1 – 26 as an example);
- Wherein the observation text generation unit generates the observation sentence that have been, in advance, associated with the supplementary information relating to the selection result obtained by the supplementary information result obtaining unit before and after the observation term relating to the selection result obtained by the observation term selection result obtaining unit (column 13, line 66 through column 14, line 8 or column 18, line 61 though column 19, line 7 for various drop down boxes with lists).

Campbell does not explicitly teach the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase that have been, in advance, associated with the supplementary information relating to the selection result obtained by the supplementary information result obtaining unit before and after the observation term relating to the selection result obtained by the observation term selection result obtaining unit.

However, Oon teaches the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase (column 32, line 59 through column 32, line 39 where concatenation is the process of combining text).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature to Campbell. One of ordinary skill in the art at the time of the invention would have added this feature to Campbell

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
    - In addition, the Examiner notes other uses of concatenation within the medical/ diagnostic field as described within Bolling et al., U.S. Patent Number 4,967,368, Auer et al., U.S. Pre-Grant Publication 2002/ 0091548 and Soll et al., U.S. Pre-Grant Publication 2003/ 0055679.

19. As per claim 10, Campbell teaches a method for generating a diagnosis report, comprising:

- Obtaining a selection result from a plurality of observation terms about an observation term corresponding to an observation on an examination result (figure 5 and column 2, lines 54 – 56);
- Obtaining a selection result of supplementary information corresponding to the observation from a plural pieces of supplementary information associated with the observation term relating to the selection result (figure 6 and column 2, lines 57 – 60);
- Generating observation sentence representing the observation term relating to the obtained selection result and the supplementary information relating to the obtained selection result (figure 6 and column 15, lines 5 - 52);

- Displaying the generated observation sentence on a display device (figure 1, monitor and screens found on figure 3 – 6);
- Transmitting a notification of a request to input treatment information about the treatment in response to a display of the observation sentence (figure 10, recommended therapy and column 17, lines 46 – 67);
- Obtaining the treatment information input in response to the notification (column 17, lines 46 - 67 and column 18, lines 7 - 11)
- Storing observation information indicating the observation associated with the treatment information (column 3, lines 34 – 63);
- Wherein the observation sentence is generated that have been, in advance, associated with the supplementary information relating to the obtained selection result before and after the observation term relating to the obtained selection result (column 13, line 66 through column 14, line 8 or column 18, line 61 though column 19, line 7 for various drop down boxes with lists).

Campbell does not explicitly teach the system comprising:

- Wherein the observation sentence is generated by arranging a word and phrase that have been, in advance, associated with the supplementary information relating to the obtained selection result before and after the observation term relating to the obtained selection result.

However, Oon teaches the system comprising:

- Wherein the observation sentence is generated by arranging a word and phrase (column 32, line 59 through column 32, line 39 where concatenation is the process of combining text).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature to Campbell. One of ordinary skill in the art at the time of the invention would have added this feature to Campbell

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
    - In addition, the Examiner notes other uses of concatenation within the medical/ diagnostic field as described within Bolling et al., U.S. Patent Number 4,967,368, Auer et al., U.S. Pre-Grant Publication 2002/ 0091548 and Soll et al., U.S. Pre-Grant Publication 2003/ 0055679.

20. As per claim 11, Campbell teaches a method for generating a diagnosis report, comprising:

- Obtaining a selection result from a plurality of observation terms about an observation term corresponding to observation on an examination result (figure 5 and column 2, lines 54 – 56);
- Obtaining the selection result of supplementary information corresponding to the observation from plural pieces of supplementary information associated with the observation term relating to the selection result (figure 6 and column 2, lines 57 – 60);

- Generating observation sentence representing the observation term relating to the obtained selection result and the supplementary information relating to the obtained selection result (figure 6 and column 15, lines 5 - 52);
- Storing observation information (column 3, lines 34 – 63) which is formed by the observation term relating to the obtained selection result and the supplementary information relating to the obtained selection result, and indicates the observation (Column 8, lines 1 – 26 as an example); and
- Wherein the observation sentence is generated that have been, in advance, associated with the supplementary information relating to the obtained selection result before and after the observation term relating to the obtained selection result (column 13, line 66 through column 14, line 8 or column 18, line 61 though column 19, line 7 for various drop down boxes with lists).

Campbell does not explicitly teach the system comprising:

- Wherein the observation sentence is generated by arranging a word and phrase that have been, in advance, associated with the supplementary information relating to the obtained selection result before and after the observation term relating to the obtained selection result.

However, Oon teaches the system comprising:

- Wherein the observation sentence is generated by arranging a word and phrase (column 32, line 59 through column 32, line 39 where concatenation is the process of combining text).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature to Campbell. One of ordinary skill in the art at the time of the invention would have added this feature to Campbell

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
    - In addition, the Examiner notes other uses of concatenation within the medical/ diagnostic field as described within Bolling et al., U.S. Patent Number 4,967,368, Auer et al., U.S. Pre-Grant Publication 2002/ 0091548 and Soll et al., U.S. Pre-Grant Publication 2003/ 0055679.

21. As per claim 12, Campbell teaches a computer-readable recording medium which stores a program used to direct a computer to generate a diagnosis report, and is executed by the computer to perform the process comprising:

- An observation term selection result obtaining process of obtaining a selection result from a plurality of observation terms about an observation term corresponding to an observation on an examination result (figure 5);
- A supplementary information result obtaining process of obtain in a selection result of supplementary information corresponding to the observation from a plural pieces of supplementary information associated with the observation term relating to the selection result (figure 6);
- An observation text generation process of generating observation sentence representing the observation term relating to the selection result obtained by the observation term

selection result obtaining process and the supplementary information relating to the selection result obtained by the supplementary information result obtaining process (figure 6 and column 15, lines 5 - 52);

- An observation displaying process of allowing a display device to display the observation sentence (figure 1, monitor and screens found on figure 3 – 6);
- A treatment information input request notifying process of transmitting a notification of a request to input treatment information about the treatment in response to a display of the observation sentence (figure 10, recommended therapy and column 17, lines 46 – 67);
- A treatment information obtaining process of obtaining the treatment information input in response to the notification (column 17, lines 46 - 67 and column 18, lines 7 - 11);
- A storing process of storing observation information indicating the observations associated with the treatment information (column 3, lines 34 – 63); and
- Wherein the observation text generation process generates the observation sentence that have been, in advance, associated with the supplementary information relating to the selection result obtained by the supplementary information result obtaining process before and after the observation term relating to the selection result obtained by the observation term selection result obtaining process (column 13, line 66 through column 14, line 8 or column 18, line 61 though column 19, line 7 for various drop down boxes with lists).

Campbell does not explicitly teach the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase that have been, in advance, associated with the

supplementary information relating to the selection result obtained by the supplementary information result obtaining unit before and after the observation term relating to the selection result obtained by the observation term selection result obtaining unit.

However, Oon teaches the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase (column 32, line 59 through column 32, line 39 where concatenation is the process of combining text).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature to Campbell. One of ordinary skill in the art at the time of the invention would have added this feature to Campbell

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
    - In addition, the Examiner notes other uses of concatenation within the medical/ diagnostic field as described within Bolling et al., U.S. Patent Number 4,967,368, Auer et al., U.S. Pre-Grant Publication 2002/ 0091548 and Soll et al., U.S. Pre-Grant Publication 2003/ 0055679.

22. As per claim 13, Campbell teaches a computer-readable recording medium which stores a program used to direct a computer to generate a diagnosis report, and is executed by the computer to perform the process comprising:

- An observation term selection result obtaining process of obtaining a selection result from a plurality of observation terms about an observation term corresponding to observation on an examination result (figure 5);
- A supplementary information result obtaining process of obtaining the selection result of supplementary information corresponding to the observation from plural pieces of supplementary information associated with the observation term relating to the selection result (figure 6);
- An observation text generation process of generating observation sentence representing the observation term relating to the selection result obtained by the observation term selection result obtaining process and the supplementary information relating to the selection result obtained by the supplementary information result obtaining process (figure 6 and column 15, lines 5 - 52);
- An observation information storage process of storing observation information (column 3, lines 34 – 63) which is formed by the observation term relating to the selection result obtained by the observation term selection result obtaining process and the supplementary information relating to the selection result obtained by the supplementary information result obtaining process, and indicates the observation (Column 8, lines 1 – 26 as an example); and
- Wherein the observation text generation process generates the observation sentence that have been, in advance, associated with the supplementary information relating to the selection result obtained by the supplementary information result obtaining process before and after the observation term relating to the obtained selection result obtained by

the observation term selection result obtaining process (column 13, line 66 through column 14, line 8 or column 18, line 61 though column 19, line 7 for various drop down boxes with lists).

Campbell does not explicitly teach the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase that have been, in advance, associated with the supplementary information relating to the selection result obtained by the supplementary information result obtaining unit before and after the observation term relating to the selection result obtained by the observation term selection result obtaining unit.

However, Oon teaches the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase (column 32, line 59 through column 32, line 39 where concatenation is the process of combining text).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature to Campbell. One of ordinary skill in the art at the time of the invention would have added this feature to Campbell

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
    - In addition, the Examiner notes other uses of concatenation within the medical/ diagnostic field as described within Bolling et al., U.S. Patent Number 4,967,368,

Auer et al., U.S. Pre-Grant Publication 2002/ 0091548 and Soll et al., U.S. Pre-Grant Publication 2003/ 0055679.

23. As per claim 16, Campbell teaches a system for use in generating a diagnosis report, comprising:

- Observation term selection result obtaining means for obtaining a selection result from a plurality of observation terms about an observation term corresponding to an observation on an examination result (figure 5 and column 2, lines 54 – 56);
- Supplementary information result obtaining means for obtaining a selection result of supplementary information corresponding to the observation from a plural pieces of supplementary information associated with the observation term relating to the selection result (figure 6 and column 2, lines 57 – 60);
- Observation text generation means for generating observation sentence representing the observation term relating to the selection result obtained by the observation term selection result obtaining means and the supplementary information relating to the selection result obtained by the supplementary information result obtaining means (figure 6 and column 15, lines 5 - 52);
- Observation display means for displaying the observation sentence (figure 1, monitor and screens found on figure 3 – 6);
- Treatment information input request notification means for transmitting a notification of a request to input treatment information about the treatment in response to the observation sentence when the observation sentence is displayed on said observation display means (figure 10, recommended therapy and column 17, lines 46 – 67);

- Treatment information obtaining means for obtaining the treatment information input in response to the notification (column 17, lines 46 - 67 and column 18, lines 7 - 11);
- Storage means for storing observation information indicating the observation associated with the treatment information (column 3, lines 34 – 63); and
- Wherein the observation text generation means generates the observation sentence that have been, in advance, associated with the supplementary information relating to the selection result obtained by the supplementary information result obtaining means before and after the observation term relating to the selection result obtained by the observation term selection result obtaining means (column 13, line 66 through column 14, line 8 or column 18, line 61 though column 19, line 7 for various drop down boxes with lists).

Campbell does not explicitly teach the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase that have been, in advance, associated with the supplementary information relating to the selection result obtained by the supplementary information result obtaining unit before and after the observation term relating to the selection result obtained by the observation term selection result obtaining unit.

However, Oon teaches the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase (column 32, line 59 through column 32, line 39 where concatenation is the process of combining text).

Where the observation text generation means, the observation display means, the treatment information obtaining means, the storage means are all a computer, with display and databases (column 3, lines 33 – 64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature to Campbell. One of ordinary skill in the art at the time of the invention would have added this feature to Campbell

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
    - In addition, the Examiner notes other uses of concatenation within the medical/ diagnostic field as described within Bolling et al., U.S. Patent Number 4,967,368, Auer et al., U.S. Pre-Grant Publication 2002/ 0091548 and Soll et al., U.S. Pre-Grant Publication 2003/ 0055679.

24. As per claim 17, Campbell teaches a system for use in generating a diagnosis report, comprising:

- Observation term selection result obtaining means for obtaining a selection result from a plurality of observation terms about an observation term corresponding to observation on an examination result (figure 5);
- Supplementary information result obtaining means for obtaining the selection result of supplementary information corresponding to the observation from plural pieces of

supplementary information associated with the observation term relating to the selection result (figure 6);

- Observation text generation means for generating observation sentence representing the observation term relating to the selection result obtained by the observation term selection result obtaining means and the supplementary information relating to the selection result obtained by the supplementary information result obtaining means (figure 6 and column 15, lines 5 - 52);
- Observation information storage means for storing observation information (column 3, lines 34 – 63) which is formed by the observation term relating to the selection result obtained by the observation term selection result obtaining means and the supplementary information relating to the selection result obtained by the supplementary information result obtaining unit, and indicates the observation (Column 8, lines 1 – 26 as an example); and
- Wherein the observation text generation means generates the observation sentence that have been, in advance, associated with the supplementary information relating to the selection result obtained by the supplementary information result obtaining means before and after the observation term relating to the selection result obtained by the observation term selection result obtaining means (column 13, line 66 through column 14, line 8 or column 18, line 61 though column 19, line 7 for various drop down boxes with lists).

Campbell does not explicitly teach the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase that have been, in advance, associated with the

supplementary information relating to the selection result obtained by the supplementary information result obtaining unit before and after the observation term relating to the selection result obtained by the observation term selection result obtaining unit.

However, Oon teaches the system comprising:

- Wherein the observation text generation unit generates the observation sentence by arranging a word and phrase (column 32, line 59 through column 32, line 39 where concatenation is the process of combining text).

Where the observation text generation means, the observation display means, the treatment information obtaining means, the storage means are all a computer, with display and databases (column 3, lines 33 – 64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature to Campbell. One of ordinary skill in the art at the time of the invention would have added this feature to Campbell

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
    - In addition, the Examiner notes other uses of concatenation within the medical/ diagnostic field as described within Bolling et al., U.S. Patent Number 4,967,368, Auer et al., U.S. Pre-Grant Publication 2002/ 0091548 and Soll et al., U.S. Pre-Grant Publication 2003/ 0055679.

Response to Arguments

25. Applicant's arguments with respect to claims 1 – 5, 8 – 13, 16 1n 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEAL R. SEREBOFF whose telephone number is (571)270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/N. R. S./
Examiner, Art Unit 3626
9/11/2008

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626